

Notice of Allowability

Application No.

09/337,945

Examiner

Susan T. Tran

Applicant(s)

JEVANTHI ET AL.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 03/10/05.
2. ☒ The allowed claim(s) is/are 23 and 25-27.
3. ☒ The drawings filed on 22 June 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03/15/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Caroline Nash on 02/16/05.

The application has been amended as follows:

Claims 1-22, 24 and 28-46 have been canceled.

Claim 23, lines 3-4, after the phrase "dissolving biodegradable poly (lactide/glycolide)", the word "polymer" has been inserted.

Claim 23, line 4, the phrase "in uncapped form" has been replaced with the phrase "in a form of uncapped/end-capped blend in a ratio of from 50/50 to 1/99".

Claim 23, line 8, after the word "stabilizing", the word "the" has been amended to "said inner".

Claim 23, line 9, after the phrase "aqueous phase containing", the word "a" has been amended to "an".

Claim 23, line 9, after the phrase "(o/w) emulsifier;", the word "adding" has been amended to "emulsifying".

Claims 23, line 10, after the word "said", the word "inner" has been inserted.

Claim 23, line 10 after the word "emulsion", the word "to" has been amended to "in".

Claim 23, line 13, after the phrase "time to remove said solvent", the phrase "to harden microcapsules" has been inserted.

Claim 23, line 13, after the phrase ", and rinsing", the word "the" has been inserted.

Claim 25, line 1, the phrase "claims 23 or 24" has been amended to "claim 23".

Claim 26, line 1, the phrase "claims 23 or 24" has been amended to "claim 23".

Claim 27, line 1, the phrase "a 100/0" has been amended to "the".

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of the claims is the inclusion of 50/50 to 1/99 ratio of uncapped/end-capped blend in all of the claims. Applicant's specification shows unexpected results from the blend of uncapped and end-capped polymer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 23 and 25-27 are allowed.

Pertinent Arts

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vook et al., Mao et al., Vaughn et al., Bowman et al., and

Art Unit: 1615

Jeyanthi et al. are cited as of interest for the teachings of poly (lactide/glycolide) in pharmaceutical compositions.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan T. Tran whose telephone number is (571) 272-0606. The examiner can normally be reached on Monday through Thursday 6:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600